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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,590	11/09/1999	BRANT L. CANDELORE	80398.P217	8195

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EXAMINER

WINTER, JOHN M

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,590

Applicant(s)

CANDELORE, BRANT L.

Examiner

John M Winter

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-15, 18, 28-33, 36, 46-51, 54, 64-69 and 72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-15, 18, 28-33, 36, 46-51, 54, 64-69 and 72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3621

DETAILED ACTION

STATUS

Claims 10-15, 18, 28-33, 36, 46-51, 54 64-69 and 72 remain pending

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Response to Arguments

The applicants arguments submitted on January 27,2003 have been fully considered.

The Applicant states that the referencing of a claim language to support a 103 rejection is impermissible because a claim is no measure of what a patent discloses.

The Examiner responds that this reference was in error and has been corrected.

Claims 10,28,46, and 64

The Applicant states that the Murtani reference does not disclose "storing the scrambled program data and the selected at least one access requirement."

The Examiner responds Murtani discloses in column 8, lines 58-67 that "the local media includes a media drive for reproducing data which have been recorded by driving a data medium such as an optical disk (i.e. storing data)". Figure 2 in Murtanis discloses scrambled data is input from the network, and the security module of Figure 2 discloses an access requirement.

See following rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3621

Claims 10-15, 18, 28-33, 36, 46-51, 54, and 64-69, 72 are rejected under 35 U.S.C. 103(a) as being anticipated by Muratani et al. (US Patent 6,061,451) in view of Park (US Patent 6,028,932)

As per claim 10,
Muratani et al ('451) discloses a copy management method for controlling the recording and reproduction of digital content comprising:
receiving a digital bitstream including scrambled program data, said program scrambled data including system information and said digital content in a scrambled format; (Figure 2)
descrambling said digital content in a scrambled format to provide a first output including said digital content in a descrambled format; (Figure 2)
providing a second output including said digital content in the scrambled format; (Figure 2)
2) outputting said first output including said digital content in the descrambled format and the second output including said digital content in the scrambled format; (Figure 2)
receiving a plurality of access requirements, wherein each access requirement can descramble the program scrambled data, selecting at least one of the access requirements; ;(column 13, lines 57-67; column 14 lines 1-9)
storing the scrambled program data and the selected at least one access requirement. (Figure 2)
Muratani et al ('451) does not explicitly disclose, "retrieving the stored scrambled program data and the stored access requirement and descrambling the retrieved stored scrambled program data using the access requirement in a second conditional access unit". Park ('932) discloses "retrieving the stored scrambled program data and the stored access requirement (column 8, lines 12-17) and descrambling the scrambled program using the access requirement in a second conditional access unit (column 8, lines 37-48)"

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the Muratani et al method with Park's teaching of retrieving and descrambling data in order to make the encrypted media available to consumers.

As per claims 28, 46, and 64, these claims are parallel with respect to claim 10

As per claim 11,

Muratani et al ('451) discloses the copy management method of claim 10, further comprising
receiving and recording said digital content of said second output in a scrambled format. (Figure 2)

As per claims 29, 47, and 65, these claims are parallel with respect to claim 11

As per claim 12,
Muratani et al ('451) discloses the copy management method of claim 10, further comprising:
demultiplexing said digital content from said program data;

Art Unit: 3621

decompressing said digital content in a descrambled format to a decompressed state.
(Figure 2)

As per claims 30, 48, and 66, these claims are parallel with respect to claim 12

As per claim 13,
Muratani et al ('451) discloses the copy management method of claim 12,
wherein said decompressing is executed in an MPEG decoder. (column 2, lines 50-58)

As per claims 31, 49, and 67, these claims are parallel with respect to claim 13

As per claim 14,
Muratani et al ('451) discloses the copy management method of claim 10,
wherein said digital content is content contained in digital television transmissions.
(column 20, lines 50-55)

As per claims 32, 50, and 68, these claims are parallel with respect to claim 14

As per claim 15,
Muratani et al ('451) discloses the copy management method of claim 10,
wherein said digital content is content downloaded from the Internet. (column 20, lines
50-55)

As per claims 33, 51, and 69, these claims are parallel with respect to claim 15

As per claim 18,
Muratani et al ('451) discloses the copy management method of claim 10, wherein said
descrambling comprises:
extracting a descrambling key included in said program data;(Figure 4) and
applying said descrambling key to said digital content in a scrambled
format to provide said digital content in a descrambled format.(Figure 2)

As per claims 36, 54, and 72, these claims are parallel with respect to claim 18

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Art Unit: 3621

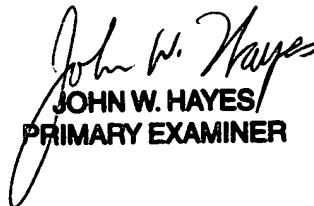
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW

April 7, 2003


JOHN W. HAYES
PRIMARY EXAMINER